

### REMARKS

The Official Action rejects pending Claims 1-5 as being anticipated by or unpatentable over U.S. Application Publication No. 2005/0115810 to Spies.

The June 2, 2005 publication date of Spies is after this application's April 22, 2004 U.S. filing date. Thus, Spies does not qualify as prior art under 35 U.S.C. §§ 102(a) or 102(b) with respect to the claims of the present application.

Furthermore, Applicants note that Spies is a U.S. National Stage entry of an International Application filed on or after November 29, 2000. That International Application was not published in English. Accordingly, Spies does not have a 35 U.S.C. § 102(e) date.

For at least these reasons, Claims 1-5 are allowable over Spies, and withdrawal of the rejections of Claims 1-5 as being anticipated by or unpatentable over Spies is respectfully requested.

Early and favorable action with respect to this application is respectfully solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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